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# A BILL FOR AN ACT

RELATING TO SOCIAL SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the monthly needs  
2 allowance afforded to individuals living in certain long-term  
3 care facilities and monthly state supplemental payment to  
4 specified care providers was recently increased by \$25 and \$132,  
5 respectively. However, the state supplemental payment is  
6 administered by the Social Security Administration, which issues  
7 one monthly payment to the recipient or representative payee  
8 that includes the state supplemental payment and supplemental  
9 security income. Therefore, due to the ceiling limit, the \$25  
10 needs allowance increase is being deducted from the \$132 state  
11 supplemental payment increase, which was not the intent of the  
12 legislature when it passed Acts 18 and 20, Session Laws of  
13 Hawaii 2024.

14           Therefore, the purpose of this Act is to clarify that the  
15 monthly needs allowance afforded to individuals living in  
16 certain long-term care facilities is not intended to replace or  
17 affect funds received as a state supplemental payment for



1 domiciliary care and shall be supplemental to any funds provided  
2 to a recipient as a state supplemental payment for domiciliary  
3 care.

4 SECTION 2. Section 346-53, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) The director, pursuant to chapter 91, shall determine  
7 the rate of payment for domiciliary care, including care  
8 provided in licensed developmental disabilities domiciliary  
9 homes, community care foster family homes, and certified adult  
10 foster homes, to be provided to recipients who are eligible for  
11 federal supplemental security income or public assistance, or  
12 both. The director shall provide for level of care payment and  
13 needs allowance as follows:

14 (1) For adult residential care homes classified as  
15 facility type I, licensed developmental disabilities  
16 domiciliary homes as defined under section 321-15.9,  
17 community care foster family homes as defined under  
18 section 321-481, and certified adult foster homes as  
19 defined under section 321-11.2, the state supplemental  
20 payment, which includes the care rate and needs  
21 allowance, shall not exceed [~~\$784,~~] \$829; and



1           (2) For adult residential care homes classified as  
2           facility type II, the state supplemental payment,  
3           which includes the care rate and needs allowance,  
4           shall not exceed [~~\$892.~~] \$937.

5           If the operator does not provide the quality of care  
6           consistent with the needs of the individual to the satisfaction  
7           of the department, the department may remove the recipient to  
8           another facility.

9           The department shall handle abusive practices under this  
10          section in accordance with chapter 91.

11          Nothing in this subsection shall allow the director to  
12          remove a recipient from an adult residential care home or other  
13          similar institution if the recipient does not desire to be  
14          removed and the operator is agreeable to the recipient  
15          remaining, except where the recipient requires a higher level of  
16          care than provided or where the recipient no longer requires any  
17          domiciliary care."

18          SECTION 3. Section 346D-4.5, Hawaii Revised Statutes, is  
19          amended by amending subsection (c) to read as follows:

20          "(c) The State's supplemental payment, as authorized by  
21          section 346-53(c) (1) and (2), for a needs allowance under



1 subsection (a) shall be increased by an amount necessary to  
2 bring the allowance up to \$75 per month. The payment under this  
3 section shall be afforded to an individual notwithstanding that  
4 the individual is incapacitated; provided that the moneys may be  
5 spent on behalf of the client, with a written accounting, by the  
6 operator of the residence or facility."

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Human Services; Needs Allowance; Long-term Care Facilities; State Supplemental Payments

**Description:**

Clarifies that the monthly needs allowance afforded to individuals living in certain long-term care facilities is not intended to replace or affect funds received as a state supplemental payment for domiciliary care and shall be supplemental to any funds provided to a recipient as a state supplemental payment for domiciliary care. Effective 7/1/3000.  
(HD1)

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